

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,

Plaintiff,

v.

BRIAN ZAIGER,

Defendant.

CIVIL ACTION NO.

1:17-cv-10356-PBS

**DEFENDANT ZAIGER'S
RESPONSE TO PLAINTIFF'S
MOTION FOR LEAVE TO FILE A
FURTHER SUR-REPLY**

Defendant Zaiger hereby responds to Plaintiff Jonathan Monsarrat motion for leave to file a further surreply in support of his Opposition to Defendant Zaiger's Motion to Dismiss (Dkt. No. 76) as follows:

Defendant's position is the same as the position the Court took at the hearing on December 5, 2017 – that the motion to dismiss is fully briefed, and further briefing is unnecessary.

Moreover, nothing in the proposed supplemental surreply shows that, with proper diligence, Plaintiff could not have learned the identity of whomever he felt allegedly infringed the copyright on the photograph. The steps he took in 2017 could have been taken from 2012-2015.

Dated: December 13, 2017.

Respectfully submitted,

/s/ Marc J. Randazza

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on December 13, 2017.

/s/ Marc J. Randazza
Marc J. Randazza